



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WADA et al.

Atty. Ref.: 1417-541; Confirmation No. 4870

Appl. No. 10/577,062

TC/A.U. unknown

Filed: November 27, 2006

Examiner: Unknown

For: ACYLOXYACETIC ACID POLYMER AND PROCESS FOR PRODUCING THE SAME

* * * * *

January 24, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Attached is a copy of the International Preliminary Report on Patentability (English version) mailed December 7, 2006 and issued in the underlying International patent application.

Please consider this information when examining the above-identified U.S. National stage application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

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From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

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1020073
JAPON

A-238 PCT

06.12.20

Date of mailing (day/month/year)
07 December 2006 (07.12.2006)

Applicant's or agent's file reference
A5003WO

IMPORTANT NOTIFICATION

International application No.
PCT/JP2005/009262

International filing date (day/month/year)
20 May 2005 (20.05.2005)

Applicant

MITSUBISHI CHEMICAL CORPORATION et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KM, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference A5003WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2005/009262	International filing date (day/month/year) 20 May 2005 (20.05.2005)	Priority date (day/month/year) 27 May 2004 (27.05.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MITSUBISHI CHEMICAL CORPORATION			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).		
2.	This REPORT consists of a total of 5 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.		
3.	This report contains indications relating to the following items:		
	<input checked="" type="checkbox"/> Box No. I	Basis of the report	
	<input type="checkbox"/> Box No. II	Priority	
	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	
	<input type="checkbox"/> Box No. IV	Lack of unity of invention	
	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
	<input type="checkbox"/> Box No. VI	Certain documents cited	
	<input type="checkbox"/> Box No. VII	Certain defects in the international application	
	<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application	
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 25(2), before the expiration of 30 months from the priority date (Rule 44bis.2).		

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date of issuance of this report 29 November 2006 (29.11.2006)
Facsimile No. +41 22 338 82 70		Authorized officer Masashi Honda e-mail: pi08@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

A5003WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/009262

International filing date (day/month/year)

20.05.2005

Priority date (day/month/year)

27.05.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

MITSUBISHI CHEMICAL CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/009262

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.2 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/009262

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement			
Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations:

Concerning the subject matters of claims 1-13, fibrous carbon fine particles being 5 nm through 5 μ m in short thickness and having an uneven structure having an average value of surface roughness defined by expression (I) of at least 8.0%, and carbonizing fibrous carbon precursor fine particles being 5 nm through 5 μ m in short thickness in an original-form mold are neither described nor suggested in any of the documents cited in the ISR.

However, the clearness, etc. of the descriptions of the claims are as described in Column VIII.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/009262

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1) The "surface roughness" defined in the subject matter of claim 1 is not considered to be a parameter usually used in this particular technical field, and what the fibrous carbon fine particles specified by this surface roughness are like is not clear to a person skilled in the art. A parameter can be used when an invention cannot be specified in any other way, but whether the invention of the present application can be specified in any way other than the parameter or not is not clear from the specification. For example, comparison examples are described in the specification, and differences from a part of conventional art are shown thereby, but differences from the case in which an uneven structure is formed on the surface of fibrous carbon fine particles by oxidation treatment are unclear as in the document (JP. 2002-110233, A) cited in the ISR, and whether the surface roughness of the invention of the present application is an indispensable parameter to indicate differences from the conventional art is unclear.

2) Up to what kind of mold the "original-form mold" described in claim 9 includes is unclear. Furthermore, an original-form mold other than a heat-resistant type mold covered on the surface of fibrous carbon fine particles is not described in the specification, and in addition, whether an original-form mold formed by a way other than covering the fibrous carbon fine particles by the sol-gel process has such an uneven structure that can form the surface roughness of the invention of the present application is unclear. Therefore, the case in which the original-form mold described in claim 9 is other than a heat-resistant mold formed by the sol-gel process having a uniform uneven structure is not adequately supported by the specification.

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